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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend chapter 44 of title 18, United States Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm to a person who is not such a licensee.

IN THE HOUSE OF REPRESENTATIVES

Mr. CLYBURN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend chapter 44 of title 18, United States Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm to a person who is not such a licensee.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Enhanced Background
5 Checks Act of 2023”.

1 **SEC. 2. STRENGTHENING OF BACKGROUND CHECK PROCE-**
2 **DURES TO BE FOLLOWED BEFORE A FED-**
3 **ERAL FIREARMS LICENSEE MAY TRANSFER A**
4 **FIREARM TO A PERSON WHO IS NOT SUCH A**
5 **LICENSEE.**

6 Section 922(t) of title 18, United States Code is
7 amended—

8 (1) in paragraph (1)—

9 (A) in subparagraph (B), by striking
10 clause (ii) and inserting the following:

11 “(ii) in the event the system has not notified
12 the licensee that the receipt of a firearm by such
13 other person would violate subsection (g) or (n) of
14 this section or State, local, or Tribal law—

15 “(I) not fewer than 10 business days
16 (meaning a day on which State offices are
17 open) has elapsed since the licensee contacted
18 the system, and the system has not notified the
19 licensee that the receipt of a firearm by such
20 other person would violate subsection (g) or (n)
21 of this section or State, local, or Tribal law, and
22 the other person has submitted, electronically
23 through a website established by the Attorney
24 General or by first-class mail, a petition for re-
25 view which—

1 “(aa) certifies that such other person
2 has no reason to believe that such other
3 person is prohibited by Federal, State,
4 local, or Tribal law from purchasing or
5 possessing a firearm; and

6 “(bb) requests that the system re-
7 spond to the contact referred to in sub-
8 paragraph (A) within 10 business days
9 after the date the petition was submitted
10 (or, if the petition is submitted by first-
11 class mail, the date the letter containing
12 the petition is postmarked); and

13 “(II) 10 business days have elapsed since
14 the other person so submitted the petition, and
15 the system has not notified the licensee that the
16 receipt of a firearm by such other person would
17 violate subsection (g) or (n) of this section or
18 State, local, or Tribal law;”; and

19 (B) in subparagraph (C)—

20 (i) by adding “or” at the end of
21 clause (i); and

22 (ii) by striking clause (ii) and all that
23 follows through the 2nd comma in clause
24 (iii) and inserting the following:

1 “(ii) the transfer could be completed
2 lawfully pursuant to subparagraph (B)(ii)
3 if the person had attained 21 years of
4 age”; and

5 (2) by adding at the end the following:

6 “(7) The Attorney General shall—

7 “(A) prescribe the form on which a petition
8 shall be submitted pursuant to paragraph (1)(B)(ii);

9 “(B) make the form available electronically, and
10 provide a copy of the form to all licensees referred
11 to in paragraph (1);

12 “(C) provide the petitioner and the licensee in-
13 volved written notice of receipt of the petition, either
14 electronically or by first-class mail; and

15 “(D) respond on an expedited basis to any such
16 petition received by the Attorney General.

17 “(8)(A) If, after 3 business days have elapsed since
18 the licensee initially contacted the system about a firearm
19 transaction, the system notifies the licensee that the trans-
20 fer to, or receipt of, a firearm by such other person would
21 not violate subsection (d), (g), or (n) (as applicable), or
22 State, local, or Tribal law, the licensee may continue to
23 rely on that notification for the longer of—

24 “(i) an additional 25 calendar days after the li-
25 censee receives the notification; or

1 “(ii) 30 calendar days after the date of the ini-
2 tial contact.

3 “(B) If such other person has met the requirements
4 of paragraph (1)(B)(ii) or (1)(C) (as applicable) before the
5 system destroys the records related to the firearm trans-
6 action, the licensee may continue to rely on such other
7 person having met the requirements for an additional 25
8 calendar days after the date such other person first met
9 the requirements.”.

10 **SEC. 3. CONFORMING AMENDMENT.**

11 Section 103(l)(3) of the Brady Handgun Violence
12 Prevention Act (34 U.S.C. 40901) is amended by striking
13 “, but in no case more than 10 business days,”.

14 **SEC. 4. GAO REPORTS.**

15 Within 90 days after the end of each of the 1-year,
16 3-year, and 5-year periods that begin with the effective
17 date of this Act, the Comptroller General of the United
18 States shall prepare and submit to the Committee on the
19 Judiciary of the House of Representatives and the Com-
20 mittee on the Judiciary of the Senate a written report ana-
21 lyzing the extent to which, during the respective period,
22 paragraphs (1)(B)(ii) and (7) of section 922(t) of title 18,
23 United States Code, have prevented firearms from being
24 transferred to prohibited persons, which report shall in-
25 clude but not be limited to the following—

1 (1) an assessment of the overall implementation
2 of such subsections, including a description of the
3 challenges faced in implementing such paragraphs;

4 (2) an aggregate description of firearm pur-
5 chase delays and denials, with a description of deni-
6 als, disaggregated by State and by the basis for the
7 denial; and

8 (3) an aggregate analysis of the petitions sub-
9 mitted pursuant to such paragraph (1)(B)(ii).

10 **SEC. 5. REPORTS ON PETITIONS SUPPORTING FIREARMS**
11 **TRANSFERS NOT IMMEDIATELY APPROVED**
12 **BY NICS SYSTEM, THAT WERE NOT RE-**
13 **SPONDED TO IN A TIMELY MANNER.**

14 The Director of the Federal Bureau of Investigation
15 shall make an annual report to the public on the number
16 of petitions received by the national instant criminal back-
17 ground check system established under section 103 of the
18 Brady Handgun Violence Prevention Act that were sub-
19 mitted pursuant to subclause (I) of section
20 922(t)(1)(B)(ii) of title 18, United States Code, with re-
21 spect to which a determination was not made within the
22 10-day period referred to in subclause (II) of such section
23 922(t)(1)(B)(ii). The report shall include the following,
24 which shall be disaggregated by State:

1 (1) The number of petitions submitted under
2 such section that were received by the national in-
3 stant criminal background check system established
4 under section 103 of the Brady Handgun Violence
5 Prevention Act.

6 (2) The number of petitioners who were discov-
7 ered to be ineligible under Federal, State, local, or
8 Tribal law during that 10-day period.

9 (3) The number of petitioners who were discov-
10 ered to be ineligible under Federal, State, local, or
11 Tribal law after that 10-day period.

12 (4) The basis of the ineligibility of the peti-
13 tioners discovered to be ineligible under Federal,
14 State, local, or Tribal law during that 10-day period,
15 and the basis of the ineligibility of the petitioners
16 discovered to be ineligible under Federal, State,
17 local, or Tribal law after that 10-day period.

18 (5) The number of the petitioners whose peti-
19 tions were denied and who, within 12 months after
20 the denial, were prosecuted under Federal, State, or
21 local law for receiving or attempting to receive a
22 firearm.

23 **SEC. 6. REPORT TO THE CONGRESS.**

24 Within 150 days after the date of the enactment of
25 this Act, the Attorney General, in consultation with the

1 National Resource Center on Domestic Violence and Fire-
2 arms, shall submit to the Congress a report analyzing the
3 effect, if any, of this Act on the safety of victims of domes-
4 tic violence, domestic abuse, dating partner violence, sex-
5 ual assault, and stalking, disaggregated by State, and
6 whether any further amendments to the background check
7 process, including amendments to the conditions that
8 must be met under this Act for a firearm to be transferred
9 when the system has not notified the licensee that such
10 transfer would not violate subsection (d), (g), or (n) of
11 section 922 of title 18, United States Code, (as applicable)
12 or State, local, or Tribal law, would likely result in a re-
13 duction in the risk of death or great bodily harm to victims
14 of domestic violence, domestic abuse, dating partner vio-
15 lence, sexual assault, and stalking.

16 **SEC. 7. EFFECTIVE DATE.**

17 This Act and the amendments made by this Act shall
18 take effect 210 days after the date of the enactment of
19 this Act.

20 **SEC. 8. REPORT ON FIREARM TRANSFERS DENIED AS A RE-**
21 **SULT OF A NICS CHECK.**

22 Within 90 days after the date of the enactment of
23 this Act, the Inspector General, Department of Justice,
24 shall prepare and submit to the Congress a written report
25 on the number of firearm transactions with respect to

1 which the national instant criminal background check sys-
2 tem established under the Brady Handgun Violence Pre-
3 vention Act has determined that receipt of a firearm by
4 the prospective firearm transferee would violate Federal,
5 State, local, or Tribal law, and which have been referred
6 to the Bureau of Alcohol, Tobacco, Firearms, and Explo-
7 sives for investigation.